

EDWARD H. KUBO, JR. 2499
United States Attorney
District of Hawaii

THOMAS A. HELPER 5676
Room 6-100, PJKK Federal Bldg.
Assistant U.S. Attorney
300 Ala Moana Boulevard
Honolulu, Hawaii 96850
Telephone: (808) 541-2850
Facsimile: (808) 541-3752
E-mail: tom.helper@usdoj.gov

Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

RAYMOND WARE,)	CIVIL NO. 04-00671 HG LEK
)	
Plaintiff,)	THIRD MOTION FOR SUMMARY
)	JUDGMENT OF DEFENDANT MICHAEL
v.)	CHERTOFF; MEMORANDUM IN
)	SUPPORT OF THIRD MOTION FOR
MICHAEL CHERTOFF, Secretary,)	SUMMARY JUDGMENT OF DEFENDANT
DEPARTMENT OF HOMELAND)	MICHAEL CHERTOFF; CERTIFICATE
SECURITY,)	OF SERVICE
Defendant.)	
)	
)	
)	

THIRD MOTION FOR SUMMARY JUDGMENT OF
DEFENDANT MICHAEL CHERTOFF

Come now defendant, by and through his undersigned
attorneys, and moves this court to grant summary judgment to
plaintiff's Amended Complaint. This motion is made under Federal

Rule of Civil Procedure 56, based on the grounds more fully stated in the accompanying Memorandum and the record herein.

DATED: September 27, 2007, at Honolulu, Hawaii.

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii

By /s/ Thomas A. Helper
THOMAS A. HELPER
Assistant U.S. Attorney

Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

RAYMOND WARE,)	CIVIL NO. 04-00671 HG LEK
)	
Plaintiff,)	CERTIFICATE OF SERVICE
)	
v.)	
)	
MICHAEL CHERTOFF, Secretary,)	
DEPARTMENT OF HOMELAND)	
SECURITY,)	
Defendant.)	
)	
)	
)	
_____)	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on the date and by the method of service noted below, a true and correct copy of the foregoing was served on the following at their last known address:

Served Electronically through CM/ECF:

Daphne E. Barbee
desekmet@aloha.net

September 27, 2007

DATED: September 27, 2007, at Honolulu, Hawaii.

/s/ Coleen Tasaka-Shoda
